

FILED IN DISTRICT COURT  
McClain County, Oklahoma

JUN 25 2014

by Lynda Baker, Court Clerk  
Deputy

IN THE DISTRICT COURT OF MCCLAIN COUNTY  
STATE OF OKLAHOMA

JUAN DAVILA ESPARZA, )  
Plaintiff, )  
v. )  
STATE FARM MUTUAL AUTOMOBILE )  
INSURANCE COMPANY, d/b/a )  
STATE FARM INSURANCE COMPANY, )  
Defendant. )

Case No.: CJ-2014- 106  
Judge:

**PETITION**

Plaintiff, Juan Esparza (Esparza), states:

1. On or about July 7, 2012, the Plaintiff was traveling northbound on I-35 in Purcell, McClain County, Oklahoma, when unidentified vehicle merged into his lane causing him to swerve to avoid a collision and subsequently causing his vehicle to lose control, depart the roadway and roll over.


2. Plaintiff Esparza was driving a of his 2003 GMC Yukon and had uninsured/underinsured motorist coverage with Defendant State Farm Insurance Company (State Farm), under policy No.: 36-177S-811, which would protect him and members of his household against the negligence of uninsured/underinsured motorists.

3. Plaintiff timely and properly notified Defendant, State Farm Insurance Company, of the accident. Plaintiff has fully complied with all the conditions of the insurance policy prior to bringing this suit. All conditions precedent have been performed or have occurred. Nevertheless, Defendant, State Farm Insurance Company, has failed and refused, and still fails and refuses, to pay Plaintiff's benefits under the policy as they are contractually required to do.

4. The conduct of Defendant constitutes breach of contract of insurances between Plaintiff and Defendant. As a direct result of this breach, Plaintiff has suffered damages all of which were reasonably foreseeable. Plaintiff has complied with the terms of the contracts and all conditions needed under the contract have been met and has been damaged in excess of \$75,000.00.

5. The acts of State Farm Insurance Company were made with reckless disregard for the rights of Plaintiff, and a lack of good faith, and punitive damages should be awarded for their conduct.

WHEREFORE, Plaintiff prays judgment against the Defendant in excess of \$45,000.00 and for punitive damages in excess of \$75,000.00, along with attorney fees and costs, and such other and further relief as the Court may deem proper.

  
\_\_\_\_\_  
ATTORNEY'S LIEN CLAIMED  
\_\_\_\_\_  
Robert T. Keel OBA# 4905  
David M. Ramsey OBA#16714  
The Tuan A. Khuu Law Offices & Assoc.  
3010 N. Classen Blvd., Ste. B  
Oklahoma City, OK 73106  
Telephone: 405-528-1542  
Facsimile: 405-528-1563  
Attorney for Plaintiff